

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

WILLIAM B. MURRAY,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-08559

WARDEN PSZCZOLKOWSKI,

Respondent.

**MEMORANDUM OPINION ORDER**

Pending before the Court is Petitioner's application to proceed without prepayment of fees or costs, (ECF No. 1), and motion "for Stay of Abeyance," (ECF No. 2). By Standing Order entered on May 7, 2014, and filed in this case on June 29, 2015, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Eifert filed her PF&R on September 11, 2015, recommending that this Court deny Petitioner's request for a stay as well as his application to proceed without prepayment of fees or costs. (ECF No. 4.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.”

*Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on September 28, 2015. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R, (ECF No. 4), **DENIES** Plaintiff’s request for a stay, (ECF No. 2), **DENIES** Plaintiff’s application to proceed without prepayment of costs and fees, (ECF No. 1), **DISMISSES** the case, and **DIRECTS** the Clerk to remove this action from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER:        October 23, 2015



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE